

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

CHRIS FAIN,

Case Number 02-3035-CO

Plaintiff,

v.

FINDINGS AND RECOMMENDATION

VINCENT L. WEBB,

Defendant.

COONEY, Magistrate Judge.

On March 30, 2006, plaintiff was ordered to show cause by April 14, 2006 why this action should not be dismissed for failing to lodge a pretrial order as ordered. Plaintiff was informed that failure to file this report would result in dismissal of the case. Plaintiff has failed to respond to the order to show cause. Based on the foregoing, it is recommended that this action be dismissed without prejudice for lack of prosecution.

**This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals.** Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate



Procedure, should not be filed until entry of the district court's judgment or appealable order.

**The parties shall have ten days from the date of service of a copy of this recommendation within which to file specific written objections with the court. Thereafter, the parties have ten days within which to file a response to the objections.** Failure to timely file objections to any factual determinations of the Magistrate Judge will be considered a waiver of a party's right to de novo consideration of the factual issues and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the Magistrate Judge's recommendation.

DATED this 24th day of April, 2006.

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s/  
JOHN P. COONEY  
U.S. Magistrate Judge